

House Engrossed

State of Arizona
House of Representatives
Forty-fifth Legislature
Second Regular Session
2002

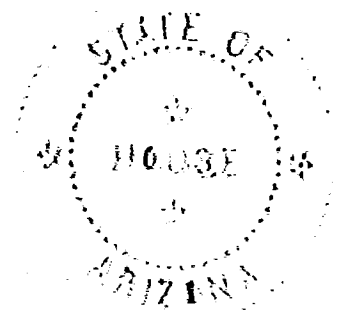
CHAPTER 228

HOUSE BILL 2591

AN ACT

AMENDING SECTIONS 28-661, 28-662 AND 28-3315, ARIZONA REVISED STATUTES;
RELATING TO VEHICLE ACCIDENTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)



1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-661, Arizona Revised Statutes, is amended to
3 read:

4 28-661. Accidents involving death or personal injuries; failure
5 to stop; classification; driver license revocation

6 A. The driver of a vehicle involved in an accident resulting in injury
7 to or death of a person shall:

8 1. Immediately stop the vehicle at the scene of the accident or as
9 close to the accident scene as possible but shall immediately return to the
10 accident scene.

11 2. Remain at the scene of the accident until the driver has fulfilled
12 the requirements of section 28-663.

13 B. A driver who is involved in an accident resulting in death or
14 serious physical injury as defined in section 13-105 and who fails to stop
15 or to comply with the requirements of section 28-663 is guilty of a class 4
16 felony, except that if a driver caused the accident the driver is guilty of
17 a class 3 felony.

18 C. A driver who is involved in an accident resulting in an injury
19 other than death or serious physical injury as defined in section 13-105 and
20 who fails to stop or to comply with the requirements of section 28-663 is
21 guilty of a class 6 felony.

22 D. THE SENTENCE IMPOSED ON A PERSON FOR A CONVICTION UNDER THIS
23 SECTION SHALL RUN CONSECUTIVELY TO ANY SENTENCE IMPOSED ON THE PERSON FOR
24 OTHER CONVICTIONS ON ANY OTHER CHARGE RELATED TO THE ACCIDENT.

25 ~~D.~~ E. The department shall revoke the license or permit to drive and
26 any nonresident operating privilege of a person convicted pursuant to
27 SUBSECTION B OF this section FOR FIVE YEARS.

28 F. THE DEPARTMENT SHALL REVOKE THE LICENSE OR PERMIT TO DRIVE AND ANY
29 NONRESIDENT OPERATING PRIVILEGE OF A PERSON CONVICTED PURSUANT TO SUBSECTION
30 C OF THIS SECTION FOR THREE YEARS.

31 Sec. 2. Section 28-662, Arizona Revised Statutes, is amended to read:

32 28-662. Accidents involving damage to vehicle; failure to stop;
33 classification; driver license suspension

34 A. The driver of a vehicle involved in an accident resulting only in
35 damage to a vehicle that is driven or attended by a person shall:

36 1. Immediately stop the vehicle at the scene of the accident or as
37 close to the accident scene as possible but shall immediately return to the
38 accident scene.

39 2. Remain at the scene of the accident until the driver has fulfilled
40 the requirements of section 28-663.

41 3. Make the stop without obstructing traffic more than is necessary.

42 B. A person failing to stop or comply with this section is guilty of
43 a class 3 misdemeanor.

1 C. A COURT MAY ORDER THE DEPARTMENT TO SUSPEND THE LICENSE OR PERMIT
2 TO DRIVE AND ANY NONRESIDENT OPERATING PRIVILEGE OF A PERSON CONVICTED UNDER
3 THIS SECTION FOR ONE YEAR.

4 Sec. 3. Section 28-3315, Arizona Revised Statutes, is amended to read:
5 28-3315. Period of suspension, revocation or disqualification;
6 unlicensed drivers

7 A. The department shall not suspend, revoke or disqualify a driver
8 license or privilege to drive a motor vehicle on the public highways for more
9 than one year from the date of a conviction or judgment, if any, against a
10 person for which this chapter makes revocation, suspension or
11 disqualification mandatory or from the date the notice is sent pursuant to
12 section 28-3318 if no conviction was involved, except as permitted under
13 subsection E of this section and sections 28-1383, 28-3312, 28-3319, 28-3320
14 and 28-3473.

15 B. A person whose license or privilege to drive a motor vehicle on the
16 public highways has been revoked may apply for a new license as provided by
17 law after the cause of the revocation is removed or after expiration of the
18 revocation period prescribed by law. After the department investigates an
19 applicant's driving record in this state or another state by examining
20 department records or other sufficient evidence to determine that all
21 withdrawal actions are complete, that the applicant has not committed any
22 traffic violations within twelve months preceding application and that all
23 other statutory requirements are satisfied, the department may issue a new
24 license.

25 C. The department shall not accept an application for reinstatement
26 of a driver license until after the twelve month period prescribed in
27 subsection B of this section has elapsed.

28 D. If the revocation is related to alcohol or other drugs, the person
29 shall provide the department with a current evaluation from a physician
30 licensed pursuant to title 32, chapter 13, 17 or 29, a psychologist licensed
31 pursuant to title 32, chapter 19.1 or a certified substance abuse counselor
32 as defined in section 28-3005 indicating that, in the opinion of the
33 physician, psychologist or counselor, the condition does not affect or impair
34 the person's ability to safely operate a motor vehicle. For the purposes of
35 reinstating a license or driving privilege pursuant to this article, the
36 department may rely on the opinion of a physician licensed pursuant to title
37 32, chapter 13, 17 or 29, a psychologist licensed pursuant to title 32,
38 chapter 19.1 or a certified substance abuse counselor as defined in section
39 28-3005.

40 E. Notwithstanding subsections A and B of this section:

41 1. A person whose license or privilege to drive is revoked pursuant
42 to section 28-1383, subsection J or section 28-3304, subsection A, paragraph
43 1 or 9 is not entitled to have the person's license or privilege renewed or
44 restored for three years.

1 2. A person whose license or privilege to drive is revoked pursuant
2 to section 13-1209 is not entitled to have the person's license or privilege
3 renewed or restored for the period of time ordered by the court.

4 3. A PERSON WHOSE LICENSE, PERMIT OR PRIVILEGE TO DRIVE IS REVOKED
5 PURSUANT TO SECTION 28-661, SUBSECTION E IS NOT ENTITLED TO HAVE THE PERSON'S
6 LICENSE, PERMIT OR PRIVILEGE RENEWED OR RESTORED FOR FIVE YEARS.

7 4. A PERSON WHOSE LICENSE, PERMIT OR PRIVILEGE TO DRIVE IS REVOKED
8 PURSUANT TO SECTION 28-661, SUBSECTION F IS NOT ENTITLED TO HAVE THE PERSON'S
9 LICENSE, PERMIT OR PRIVILEGE RENEWED OR RESTORED FOR THREE YEARS.

10 F. Except as provided in section 28-3473, if an unlicensed driver
11 commits an offense for which a driver license could be suspended, revoked or
12 disqualified, the department shall not accept the unlicensed driver's
13 application for a driver license for a period equal to the period of time
14 that applies to a driver with a license. If the offense is one for which a
15 driver license could be revoked, the department shall not accept the
16 unlicensed driver's application for a driver license unless it investigates
17 the character, habits and driving ability of the person and is satisfied that
18 it is safe to grant the privilege of driving a motor vehicle on the public
19 highways.

20 G. The expiration of a person's license during the period of time it
21 is under suspension, revocation or disqualification does not invalidate or
22 terminate the suspension, revocation or disqualification.

23 H. A person whose license or privilege to drive a motor vehicle on the
24 public highways has been suspended pursuant to section 28-3306, subsection
25 A, paragraph 5 or section 28-3314 may apply for a new license as provided by
26 law after the cause for suspension is removed or after expiration of the
27 suspension period prescribed by law if both of the following conditions are
28 met:

29 1. The department is satisfied, after reviewing the medical condition
30 and driving ability of the person, that it is safe to grant the person the
31 privilege of driving a motor vehicle on the public highways.

32 2. If the person has a medical condition related to alcohol or other
33 drugs, the person provides the department with a current evaluation form from
34 a physician licensed pursuant to title 32, chapter 13, 17 or 29, a
35 psychologist licensed pursuant to title 32, chapter 19.1 or a certified
36 substance abuse counselor as defined in section 28-3005 indicating that, in
37 the opinion of the physician, psychologist or counselor, the condition does
38 not affect or impair the person's ability to operate a motor vehicle in a
39 safe manner.

APPROVED BY THE GOVERNOR MAY 17, 2002.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 17, 2002.

Passed the House March 27, 2002

Passed the Senate May 13, 2002

by the following vote: 34 Ayes,

by the following vote: 27 Ayes,


22 Nays, 4 Not Voting

0 Nays, 3 Not Voting


Speaker of the House


President of the Senate


Chief Clerk of the House

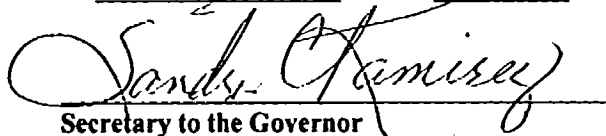

Asst. Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

13 day of May, 2002

at 3:17 o'clock P M.


Secretary to the Governor

Approved this 17 day of

May, 2002,

at 8:37 o'clock A M.

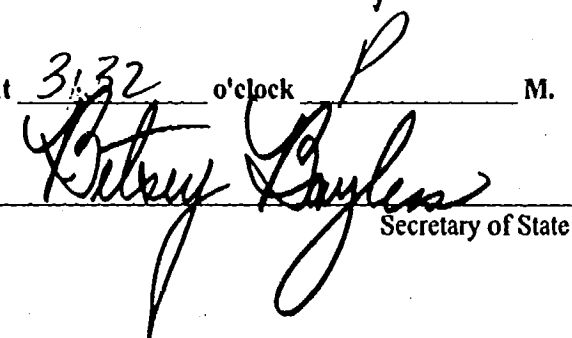

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 17 day of May, 2002,

at 3:32 o'clock P M.


Secretary of State

H.B. 2591